

REMARKS

The Office Action dated June 8, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-7 are pending in this application. Claims 1-7 stand rejected. Claims 1, 4, 6, and 7 are amended. No new matter has been added.

The rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Kitamura (U.S. Patent Application Publication No. 2002/0013857) in view of Lemelson et al. (U.S. Patent No. 5,946,220) ("Lemelson") is respectfully traversed.

Kitamura describes a CCD image sensor (11) having a plurality of light receiving pixels that accumulate information charges generated in response to irradiated light in the light receiving pixels. A color filter is coupled to a light receiving face of the CCD image sensor (11). A drive circuit (12) generates a polyphase clock pulse according to timing signs of horizontal and vertical scanning supplied from a timing control circuit (13) and transfers information charges to be accumulated in each light receiving pixel in a predetermined order. An analog signal processing section (14) performs sample hold and gain control on the image signal input from CCD sensor (11) and outputs an image signal in compliance with a predetermined format. An analog/digital conversion circuit (15) performs A/D conversion of the image signal entered from analog signal processing section (14) in synchronization with the output operation of CCD image sensor (11) to generate digital image data corresponding to each light receiving pixel. A digital signal processing section (16) separates color components on image data entered from the A/D conversion. An interface circuit (17) captures an information packet transmitted over a communication line L and supplies timing control circuit (13) with control information received from the information packet. Circuit (17) converts the compressed image data received from digital signal processing circuit (16) into a format conforming with a communication protocol, and transmits it to communication line L. A computer connected to the network can control the imaging operation of the camera independent of any other computer. A desired network address can be attached to image data to send to the communication line L, and image data can be transferred to any other computer or device connected to the communication line L.

Lemelson describes a system for controlling the operation of a centrifugal separator. A microprocessor or computer (11) controls test particle detection and control actions by receiving and gating digital detection and control signals to and from various electrically operated devices and subsystems. One aspect relates to a system and method for automatically performing experiments associated with research and development, which determines any variable that during an experiment may be detected, such that electrical signals can be generated in either digital form or in analog form. The computer (11) may also be employed to automatically determine the results of varying test variables on materials, as such variations occur, for performing a variety of non-destructive tests thereon which results, generated in the form of electrical signals, may be processed or utilized for predicting ultimate test results or further variations in the biological or chemical structure of matter without the necessity of carrying the tests further or to a point whereby the material, matter, or article is destroyed or adversely affected.

Applicants respectfully submit that the Section 103 rejection of presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to combine Kitamura with Lemelson, or vice versa. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant.” In re Kotzab, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, as is well established, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. See In re Gordon, 221 U.S.P.Q.2d 1125 (Fed. Cir. 1984). Furthermore, the Federal Circuit has determined that:

[i]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot

use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.”
In re Fitch, 23 USPQ2d 1780, 1780 (Fed. Cir. 1992).

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, “it is impermissible ... to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant’s disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant’s disclosure. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Accordingly, since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claim 1 be withdrawn.

In addition, no combination of Kitamura and Lemelson describes or suggests the method for managing non-destructive evaluation data as recited in Claim 1. Specifically, Claim 1 recites “a method of managing non-destructive evaluation data comprising the steps of “providing a predetermined standard data format for non-destructive evaluation test data . . . converting existing non-destructive evaluation test data including a plurality of different data formats into the standard data format using a conversion tool that is interactively taught unencountered data formats, wherein the plurality of different data formats comprise image data formats and non-image data formats . . . adding the converted non-destructive evaluation test data to a computer database associated with a computer network . . . transmitting the converted data over the network. . . displaying at least a desired portion of an image; and displaying non-destructive evaluation test parameters of the image displayed.”

No combination of Kitamura and Lemelson, considered alone or in combination, describe nor suggest a method for managing non-destructive evaluation data as is recited in Claim 1. Specifically, no combination of Kitamura and Lemelson describes or suggests converting existing non-destructive evaluation test data using a conversion tool that is interactively taught unencountered data formats, in combination with the steps of displaying a desired portion of an image and its non-destructive evaluation test parameters. Rather, in contrast to the invention, Kitamura describes converting image information supplied from a camera into a predetermined data format and Lemelson describes performing a variety of non-destructive tests on matter or an article. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Kitamura in view of Lemelson.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claim 1 as being unpatentable over Kitamura in view of Lemelson be withdrawn.

The rejection of Claims 2-5 under 35 U.S.C. § 103(a) as being unpatentable over Kitamura (U.S. Patent Application Publication No. 2002/0013857) in view of Lemelson et al. (U.S. Patent No. 5,946,220)(“Lemelson”), and further in view of Hossack et al. (U.S. Patent No. 6,511,426)(“Hossack”) is respectfully traversed.

Kitamura and Lemelson are described above. Hossack describes a method and system for reducing speckle for two and three-dimensional images using an ultrasound system (10) and method for versatile processing. The ultrasound system (10) is configurable to acquire information corresponding to a plurality of two-dimensional representations or image planes of a subject for three dimensional reconstruction or two-dimensional imaging. A transmit beam-former 12 is capable of generating signals at different frequencies. For the transmit events, control signals are provided to transmit beam-former (12) and receive beam-former (16). Excitation signals from beam-former (12) are provided to a transducer array (14). The receive beam-former (16) is caused to generate in phase and quadrature (I and Q) information along one or more scan lines. Electrical signals from transducer array (14) are delayed, apodized, and summed with other electrical signals to generate the I and Q information. A filter block (18) passes information associated with a desired frequency band. A demodulated or filtered signal is passed to a signal processor (20) as the complex I and Q

signal. Signal processor (20) comprises one or more processors for generating two-dimensional Doppler or B-mode information. Information generated by signal processor (20) is provided to a scan converter (22). Scan converter (22) outputs video image data frames that may be exported in a DICOM Medical industry image standard format or a TIFF format.

No combination of Kitamura, Lemelson and Hossack describes nor suggests the method for managing non-destructive evaluation data as recited in Claim 1. Specifically, Claim 1 recites “a method of managing non-destructive evaluation data comprising the steps of “providing a predetermined standard data format for non-destructive evaluation test data . . . converting existing non-destructive evaluation test data including a plurality of different data formats into the standard data format using a conversion tool that is interactively taught unencountered data formats, wherein the plurality of different data formats comprise image data formats and non-image data formats . . . adding the converted non-destructive evaluation test data to a computer database associated with a computer network . . . transmitting the converted data over the network. . . displaying at least a desired portion of an image; and displaying non-destructive evaluation test parameters of the image displayed.”

No combination of Kitamura, Lemelson and Hossack, considered alone or in combination, describe or suggest a method as recited in Claim 1. Specifically, no combination of Kitamura, Lemelson and Hossack describes or suggests converting existing non-destructive evaluation test data using a conversion tool that is interactively taught unencountered data formats, and displaying a most pertinent part of an image and its non-destructive evaluation test parameters. Rather, in contrast to the invention, Kitamura describes converting image information supplied from a camera into a predetermined data format, Lemelson describes performing a variety of non-destructive tests on matter or an article and Hossack describes exporting frames in an DICOM or TIFF format. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Kitamura in view of Lemelson and further in view of Hossack.

When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2-5 likewise are patentable over Kitamura in view of Lemelson, and further in view of Hossack.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claims 2-5 be withdrawn.

The rejection of Claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Kitamura (U.S. Patent Application Publication No. 2002/0013857) in view of Lemelson et al. (U.S. Patent No. 5,946,220)(“Lemelson”) and further in view of Hossack et al. (U.S. Patent No. 6,511,426)(“Hossack”), and Norris et al. (U.S. Patent No. 5,920,828)(“Norris”) is respectfully traversed.

Kitamura, Lemelson and Hossack are described above. Norris describes an automated quality control system for processing geophysical seismic data and positioning data from a marine navigation system (14). The invention includes a prospect data logger (10) in communication with system components for accessing the seismic data, for coordinating seismic data processing, and for identifying and storing attribute data relevant to the seismic data and the positioning data. Prospect data logger (10) is capable of storing data in a programmed format, and can be engaged with a display (36) for illustrating data accessible to the prospect data logger. Prospect data logger (10) is capable of automatically performing quality control functions such as checking seismic data and positioning data, or verifying the format of merged seismic and positioning data, of generating a command for indicating an event or for controlling another system component. Prospect data logger (10) can verify storage tape quality immediately after data is inputted, and a record of events can be generated. Raw seismic data and positioning data is contemporaneously merged, the merged data can be monitored on a real-time basis, and data processing and quality control can be performed from remote terminals. The system provides real-time quality control operations sufficient to identify variables and events so that immediate system corrections can be made.

No combination of Kitamura, Lemelson, Hossack and Norris describes or suggests the method for managing non-destructive evaluation data as recited in Claim 1. Specifically, Claim 1 recites “a method of managing non-destructive evaluation data comprising the steps of “providing a predetermined standard data format for non-destructive evaluation test data...converting existing non-destructive evaluation test data including a plurality of

different data formats into the standard data format using a conversion tool that is interactively taught unencountered data formats, wherein the plurality of different data formats comprise image data formats and non-image data formats...adding the converted non-destructive evaluation test data to a computer database associated with a computer network...transmitting the converted data over the network. . . and displaying a most pertinent part of an image and non-destructive evaluation test parameters for said image.”

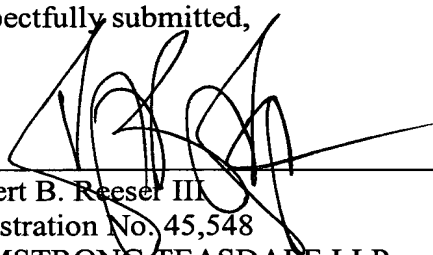
No combination of Kitamura, Lemelson, Hossack and Norris, considered alone or in combination, describe or suggest a method as recited in Claim 1. Specifically, no combination of Kitamura and Lemelson describes or suggests converting existing non-destructive evaluation test data using a conversion tool that is interactively taught unencountered data formats, in combination with the steps of displaying a desired portion of an image and its non-destructive evaluation test parameters. Rather, in contrast to the invention, Kitamura describes converting image information supplied from a camera into a predetermined data format, Lemelson describes performing a variety of non-destructive tests on matter or an article, Hossack describes exporting frames in an DICOM or TIFF format, and Norris describes a quality control system for processing geophysical seismic data and positioning data from a marine navigation system. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Kitamura in view of Lemelson and further in view of Hossack and Norris.

When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 6 and 7 likewise are patentable over Kitamura in view of Lemelson and further in view of Hossack and Norris.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claims 6 and 7 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser III', is written over a horizontal line.

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